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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: John H. Schneider et al.

Serial Number: 09/761,500

Filing Date: January 16, 2001

For: TAMPER EVIDENT RESEALABLE PACKAGING

Art Unit: 3727

Examiner: J. Pascua

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MAY 13 2002  
TECHNOLOGY CENTER 2800Pitney, Hardin, Kipp & Szuch LLP  
685 Third Avenue  
New York, New York 10017  
(212) 297-5800REQUEST FOR RECONSIDERATIONAssistant Commissioner for Patents  
Washington, D.C. 20231RECEIVED  
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TECHNOLOGY CENTER R3700

Sir:

Reconsideration of claims 1 - 4 of the above captioned application is respectfully requested.

The present application relates to a zipper package in which a tamper evident feature is provided extending over the zipper. In accordance with the rejected claims, at least one of the package walls and flange portions of the zipper profiles extends over the interlocking members of the zipper to form a frangible connection with the opposite one of the walls. This provides a tamper evident feature for the package.

I hereby certify that this paper is being deposited on April 26, 2002 via first class mail addressed to Assistant Commissioner for Patents, Washington, D.C. 20231

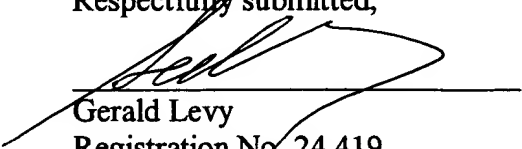
  
Gerald LevyApril 26, 2002  
Date

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The claims stand rejected under 35 USC 102 as being anticipated by Thomas, et al. However, there is a basic difference between the present claims and the Thomas disclosure. The present claims require that one of the walls or profile flanges extend over the interlocking members to form the tamper evident feature. In Thomas, "first and second upstanding panels 36 and 38" that are "thermally fused" at strips 36a and 38a to the body panels are provided. (See Co. 3, lines 33 - 43). The ends of panels 36 and 38 are joined to provide stops for the zipper slider. The Thomas reference suggests that a tamper evident feature may be provided by joining the top ends of the upstanding panels together to encapsulate the zipper and slider. In other words, the Thomas package has a tamper evident feature formed from strips that are different from the package walls or the profile strips but rather comprise separate strips that are different from the package walls or the profile strips but rather comprise separate strips fused to the package walls. This is quite different from the present claims that specifically require that the tamper evident feature be formed of the package walls or flanges of the profile strips.

In view of the above, it is respectfully submitted that the claims are patentably distinct from the cited art and that the claims are in condition for allowance. A relatively early notification of allowance is respectfully requested.

Respectfully submitted,



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